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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/886,522	06/21/2001	Hans Artmann	10191/1894 6400			
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KENYON & KENYON			CHEVALIER, ALICIA ANN			
One Broadway			ART UNIT	PAPER NUMBER		
New York, NY	10004		1772			
			DATE MAILED: 01/14/2004			

Please find below and/or attached an Office communication concerning this application or proceeding.

Application N. Applicant(s) Application N. Applicant(s) ARTMANN ET AL. Examinar Alcia Chavaliar Alcia Chavaliar Alciant Art Unit The MAILING DATE of this e mmunication appears on the c ver sheef with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIs COMMUNICATION. If the added for pady seaded advers is ans than ship (30) says, a reply while the seaded or previous and analysis of the communication. If the added for pady seaded advers is ans than ship (30) says, a reply while the seaded or previous and ship (30) says and ship while the seaded or previous and ship (30) says and ship within the seaded or previous and ship (30) says and ship (30) says and ship (30) says and ship (30) says a reply while the seaded or ship (30) says and ship (30) says and ship (30) says a reply while the seaded or ship (30) says and ship (30) says and ship (30) says a reply while the seaded or ship (30) says and ship (30) says a reply while the seaded or ship (30) says as the ship (30) says a reply while the seaded or ship (30) says as the ship (30) says and ship (30) says a reply while the seaded or ship (30) says as the ship (30)						AND				
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RESPONSE TO AMENDMENT

Request for Continued Examination

- 1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) in paper #13, filed on October 24, 2003 is acceptable and a RCE has been established. An action on the RCE follows.
- 2. Claims 1-8 and 10-15 are pending in the application, claims 9 and 16-24 are cancelled.
- 3. Amendments to claims in paper #14, filed on October 24, 2003, have been entered in the above-identified application.

WITHDRAWN REJECTIONS

- 4. The objections to the claims, made of record in paper #10, mailed July 14, 2003, pages 2-3, paragraphs #5 and #6 have been withdrawn due to Applicant's amendment in paper #14.
- 5. The 35 U.S.C. §102 rejection of claims 1-8, 10, 13 and 14 over Bantien (US Patent No. 5,259,247), made of record in paper #10, page 3, paragraph #7 has been withdrawn due to Applicant's amendment in paper #14.
- 6. The 35 U.S.C. §103 rejection of claims 11, 12 and 15 as over Bantien (US Patent No. 5,259,247) in view of Fujii (US Patent No. 4,975,390), made of record in paper #10, pages 4-5, paragraph #9 has been withdrawn due to Applicant's amendment in paper #14.

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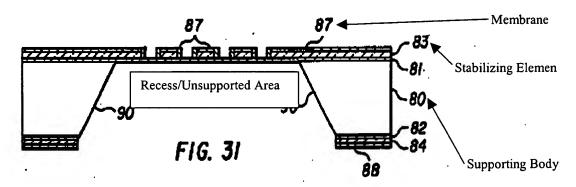
NEW REJECTIONS

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

8. Claims 1-8, 10, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Guckel et al. (U.S. Patent No. 4,897,360).

Regarding Applicant's claims 1 and 2, Guckel discloses polysilicon thin films (title) useful as micromechanical pressure sensors (col. 1, lines 18-19). The films structure comprises a supporting body (reference #80 in figure 31), a partially unsupported membrane (reference #87 in figure 31) connected to the supporting body and a stabilizing element (reference #83 in figure 31) provided in an unsupported area on some areas of a surface of the membrane. The membrane extends continuous over an entire recess in the supporting body (figure 31). A portion of the stabilizing element contacts only the membrane for a part less than a whole length of the recess of the membrane and a portion of the stabilizing element is positioned between the supporting body and the membrane.



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Regarding Applicant's claims 3 and 4, the limitations "the at least one stabilizing element is configured to countereact a deformation of the at least one membrane" and "the deformation includes ..." are functional limitations and while Guckel does not disclose the stabilizing element doing so, it is capable of doing so with no alteration of its structure.

Therefore, limitations of claims 3 and 4 are deemed to be an inherent characteristic of the prior art since the prior art is substantially identical in composition and/or structure. MPEP § 2183.

Regarding Applicant's claims 5 and 6, Guckel shows in figures 31 and 35 that the stabilizing element is a web and has a stabilizing surface in corner areas of the membrane.

Regarding Applicant's claims 7 and 8, figure 31 shows that the stabilizing element is arranged on one side of the membrane facing the supporting body and is in direct contact with the membrane and bonded thereto in at least some areas in the unsupported area.

Regarding Applicant's claim 10, Guckel discloses that the supporting body includes a silicon body (col. 14, line 4).

Regarding Applicant's claims 13 and 14, it is well known that micromechanical pressure sensors contain circuit structures with sensitive components. Therefore, the limitations of claims 13 and 14 are inherent in the Guckel micromechanical pressure sensors.

Regarding Applicant's claim 15, Guckel discloses that the stabilizing element is 2 microns thick (col. 12, lines 60-61).

Claim Rejections - 35 USC § 103

9. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guckel et al. (U.S. Patent No. 4,897,360).

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Guckel is relied upon as described above. Guckel further discloses that the membrane is a silicon compound such as silicon nitride (col. 14, line 15).

Guckel fails to disclose the thickness of the membrane.

It is deemed a matter of optimization via routine experimentation of layer sizes to employ a membrane with the thickness in Applicant's claim 11 when making the polysilicon thin films of Guckel. The thickness of the membrane used would affect the etching patterns and is, therefore, a result effective variable. See MPEP 2144.05.

ANSWERS TO APPLICANT'S ARGUMENTS

10. Applicant's arguments in paper #14 regarding the previous 35 U.S.C. 102 and 103 rejections of record have been considered but are most since the rejections have been withdrawn.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (571) 272-1498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (571) 272-0987.

ac

1/10/04

SANDRAM. NOLAN PRIMARY EXAMINER

Rudola

1-12-04